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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,305	11/18/2003	Toshie Imai	MIPFP066	6467
25920 7590 01/09/2008 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER PARK, CHAN S	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/717,305	Applicant(s) IMAI ET AL.	
	Examiner CHAN S. PARK	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a): In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**DOUGLAS Q. TRAN**  
**PRIMARY EXAMINER**

*Tran*

*Chan S. Park*

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment was received on 11/1/07, and has been entered and made of record. Currently, **claims 1-8** are pending.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gignac U.S. Patent Application Publication No. 2004/0239982 in view of Fujita U.S. Patent Application Publication No. 2002/0067511.

3. With respect to claim 1, Gignac teaches an image processing method (abstract), comprising the steps of:

providing image data stored in a user's PC (paragraph 38, lines 1-2), and image production record information related to the image data (figs. 11~13), wherein the image production record information is produced by the user's PC (figs. 11~13); and

executing a trimming process upon determining whether or not to trim the image data based on the image production record information (paragraphs 57~60).

Gignac, however, does not explicitly teach that the user's PC produces the image data.

Fujita, the same field of the image processing/modifying method using the user's PC, teaches the method of producing/generating image data at the user's PC (host computer generating graphic data using the application program 52 in paragraph 0048).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the user's PC of Gignac to include the application program 52 for generating the image data as taught by Fujita.

The suggestion/motivation for doing so would have been to apply the trimming/printing processes on the image data that is generated by the host computer as well as the digital camera.

Therefore, it would have been obvious to combine Gignac with Fujita to obtain the invention as specified in claim 1.

4. With respect to claim 2, Gignac teaches the image processing method according to claim 1, wherein

the image production record information includes at least exposure program information (either 'landscape' or 'portrait' in figs. 11~13) and photograph scene information ('letterbox' in figs. 11~13), and

the trimming process is executed when the exposure program information and photograph scene information meet specific conditions (figs. 11~13 & paragraphs 57~60).

5. With respect to claim 3, Gignac teaches the image processing method according to claim 2, wherein

the specific conditions include selection of a normal program which is set as default for the exposure program information (fig. 11), and selection of a standard scene which is set as default for the photograph scene information (fig. 11 or 13 & paragraph 57).

6. With respect to claims 6 and 8, arguments analogous to those presented for claim 1, are applicable.

Claims 1 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo et al. U.S. Patent No. 6,765,691 (hereinafter Kubo) in view of Fujita.

7. With respect to claim 1, Kubo teaches an image processing method (figs. 4 & 14), comprising the steps of:

providing image data stored in a user's PC (col. 12, lines 13-21), and image production record information related to the image data (parameters set in fig. 10), wherein the image production record information is produced by the user's PC (col. 23, lines 50-61); and

executing a trimming process upon determining whether or not to trim the image data based on the image production record information (col. 23, lines 50-61).

Kubo, however, does not explicitly teach that the user's PC produces the image data.

Fujita, the same field of the image processing/modifying method using the user's PC, teaches the method of producing/generating image data at the user's PC (host computer generating graphic data using the application program 52 in paragraph 0048).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the user's PC of Kubo to include the application program 52 for generating the image data as taught by Fujita.

The suggestion/motivation for doing so would have been to apply the trimming/printing processes on the image data that is generated by the host computer as well as the digital camera.

Therefore, it would have been obvious to combine Kubo with Fujita to obtain the invention as specified in claim 1.

8. With respect to claim 4, Kubo teaches the image processing method according to claim 1,

wherein the image production record information includes at least subject area information (image range in col. 23, line 62 ~ col. 24, line 7) representing a subject area in an image; and

the trimming process is terminated when the subject area will be cut as a result of the trimming (automatically reducing within the range of the image instead of trimming the image according to col. 23, line 65 ~ col. 24, line 7).

9. With respect to claim 5, Kubo teaches the image processing method according to claim 1, wherein

the trimming process is a process in which an image is enlarged or reduced, while preserving an aspect ratio, to a size encompassing a designated image output size, and portions extending outside the image output size are cut off (parameters set in figs. 10 & 14 & col. 23, lines 50-61).

10. With respect to claims 6~8, arguments analogous to those presented for claims 1 and 5, are applicable. The system of Kubo outputs the image according to the image data processed by the image information processor (fig. 14 of Kubo).

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

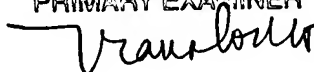
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571) 272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

csp  
December 31, 2007

DOUGLAS Q. TRAN  
PRIMARY EXAMINER



Chan S. Park  
Examiner  
Art Unit 2625

